

Town Board Minutes

**Meeting
No. 6**

Regular Meeting

MARCH 1, 1999

MEETINGS TO DATE 6
NO. OF REGULARS 5
NO. OF SPECIALS 1

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LANCASTER, NEW YORK
MARCH 1, 1999

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 1st day of March, 1999 at 8:00 P.M. and there were

PRESENT: NEIL CONNELLY, COUNCIL MEMBER
WILLIAM MARYNIEWSKI, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT:

ALSO PRESENT: ROBERT THILL, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
ROBERT LANEY, BUILDING INSPECTOR
THOMAS FOWLER, CHIEF OF POLICE
JOHANNA COLEMAN, RECEIVER OF TAXES
CHRISTINE FUSCO, ASSESSOR

PERSONS ADDRESSING TOWN BOARD:

Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matters:

- Requested additional information on prefiled resolution number three awarding a contract for GIS consulting services to the True North Company.
- Asked questions about the Tops Market Distribution Center appraisal.
- Advised the Board that Tops Markets have contracted with a Canadian firm to print their advertising slingers.
- Spoke about regionalism, the U. S. Constitution and the Mayors of the Villages of Lancaster and Depew controlling the Town of Lancaster.

Bastian, Norman, 5747 Genesee Street, spoke to the Town Board on the following matters:

- Requested that Council Member Maryniewski announce at each meeting the number of building permits like Council Member Kwak used to do.
- Spoke about allowing people to build in flood plains and wetlands. He cited two examples of structures in the Stony Road Genesee Street area that he claims were constructed in a flood plain.

Mann, Edward, 30 Lombardy Street, spoke to the Town Board on the following matter:

- Asked if the Town has tried to negotiate with Tops Markets to settle the assessment out of court.

Bobak, Sharon, 3733 Bowen Road, spoke to the Town Board on the following matter:

- Expressed opposition to the proposed corridor chosen by the NYS Department of Transportation for a north/south limited access highway linking the NYS Thruway with Broadway, William Street and Clinton Street.

Juszczak, Joseph, 600 Pleasant View Drive, spoke to the Town Board on the following matters:

- Challenged the Supervisor's statement that no homes have been built in the flood plain since he [Mr. Giza] has been on the Town Board as a Council Member and Supervisor.
- Asked about any creeks that were cleaned in the last 18 years. Informed the Board that Congressman Quinn's office said there is funding available for creek cleaning.

Gull, Henry, 710 Pavement Road, spoke to the Town Board on the following matters:

- Asked questions about the right of Tops Markets to file a lawsuit challenging their assessment since the firm is owned by a company in the Netherlands not in the United States.
- Discussed with the Supervisor various concerns about the Tops Markets assessment challenge.
- Accused the Tops Markets holding company of being profiteers.

Kless, Mary, 2055 Como Park Blvd., spoke to the Town Board about the following matters:

- Expressed anger with Tops Markets for challenging their assessment.
- Recommended that all citizens boycott Tops Market.

Zarbo, Richard, 357 Stony Road, spoke to the Town Board on the following matter:

- Expressed the opinion that a GIS program for Lancaster is a good idea but opposed the creation of a new job to administer such a program. He felt that the Building Inspector's Office or the Town Engineer's Office should handle this program without the hiring of additional personnel.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER CONNELLY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town Board
held on February 22, 1999 be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 1, 1999

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
STEMPNIAK, TO WIT:

WHEREAS, Suzanne M. Blank, Clerk-Typist in the Town Clerk's office, by
letter dated February 19, 1999, has requested a vacation leave, without pay, for the week of July
6th through July 9th 1999 and July 19th through July 23rd 1999,

WHEREAS, the Town Clerk has recommended the granting of this unpaid
leave of absence;

NOW, THEREFORE, BE IT

RESOLVED, that Suzanne M. Blank, Clerk-Typist in the Town Clerk's Office,
be and is hereby granted a vacation leave, without pay, for the period July 6th through July 9th
and July 19th through July 23rd, 1999.

The question of the adoption of the following resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 1, 1999

FILE - PERS. LVE (PD)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MARYNIEWSKI, TO WIT:

WHEREAS, a Geographic Information System (GIS) Needs Assessment was
conducted in 1995-96 with the funding by a Sara Grant, and

WHEREAS, the Needs Assessment demonstrated a full array of benefits that a
GIS would furnish the Town of Lancaster, Village of Lancaster, and Lancaster School District,
and

WHEREAS, the Town Consortium consisting of the Town of Lancaster,
Village of Lancaster, and Lancaster School District has been awarded a \$177,000.00 grant
through the 1998 County/Municipal Regionalism Program to fund the development and
maintenance of a GIS Program in the Town of Lancaster, and

WHEREAS, the Town Board of the Town of Lancaster desires to retain the
services of the True North Company for the implementation of this GIS Project.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby accepts
the proposal of the True North Company, 169 Century Road, Buffalo, New York 14215 dated
February 9, 1999 in the principal sum of eighty-six thousand one hundred fifty dollars
[\$86,150.00] for consulting, data conversion and training services for implementation of a
Geographic Information System [GIS] for the Town of Lancaster, the Village of Lancaster and
the Lancaster School District pursuant to a grant award of \$177,000.00 through the 1998
County/Municipal Regionalism Program.

BE IT FURTHER

RESOLVED, that the Town Clerk and Council Member Montour,
Chairperson of the Town Board Governmental Services Committee be and are hereby
authorized to execute on behalf of the Town of Lancaster any purchasing contracts within the
limits of the project funding grant, and other agreements necessary for the implementation of
this project throughout its' one year duration.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 1, 1999

File: rintermunicipal grant (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MARYNIEWSKI, TO WIT:

WHEREAS, the Town of Lancaster applied to the County of Erie for a regionalism grant for the purpose of implementation of a cooperatively managed Geographic Information System (GIS) database for the Town, Village and School District of Lancaster, New York, and

WHEREAS, the County of Erie has authorized a regionalism grant in the sum of \$177,000.00 for that project, and

WHEREAS, the project is to be carried out pursuant to an intermunicipal agreement pursuant to Article 5-G of the General Municipal Law with the Village of Lancaster and the Lancaster Central School District as participating members.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster is hereby authorized to enter into a grant contract with the County of Erie in the sum of \$177,000.00 for the purpose of carrying out an intermunicipal project pursuant General Municipal Law Article 5-G, subject to the terms and conditions contained in the County grant contract, and

BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to enter into an intermunicipal agreement with the Village of Lancaster and the Lancaster Central School District for the purpose of carrying out and implementing this project.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 22, 1999

File intermunicipal grant

PREFILED RESOLUTION NO. 4 - MEETING OF 3/1/99

Maryniewski/ _____ Authorize Aid Application Re: NYS Recreation Council For A
Recreation Program For The Elderly [State Aid]

At the request of Council Member Maryniewski, this resolution was withdrawn
for further study.

March 1, 1999

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER CONNELLY, TO WIT:

WHEREAS, the Town of Lancaster has received a proposal letter dated February 22, 1999 from Fox & Company, Certified Public Accountants, for preparation of a report dealing with consolidation of the Offices of Receiver of Taxes and Town Clerk, and

WHEREAS, this report will quantify the savings, if any, of consolidating these two Town offices and provide the necessary factual data for a determination by the Town Board as to whether this matter should be presented to the electorate on November 2, 1999 in a mandatory referendum as is required by law for such consolidation.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board does hereby authorize the Supervisor to accept and countersign the Fox & Company proposal date February 22, 1999 for preparation of a report dealing with consolidation of the Offices of the Receiver of Taxes and Town Clerk at a cost not to exceed \$3,500.00.

BE IT FURTHER

RESOLVED, that the following line item transfers be and are hereby approved in the 1999 adopted budget of the Town of Lancaster:

General Fund - Town Outside Villages:	<u>Decrease</u>	<u>Increase</u>
A1990.411 Contingent Account	\$ 3500.00	\$
A1320.412 Auditor - Other Services	\$	\$ 3500.00
General Fund - Town Outside Villages Totals:	\$ 3500.00	\$ 3500.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 1, 1999

File: reconsolidation of offices

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MARYNIEWSKI, TO WIT:

WHEREAS, the New York State Office of Children and Family Services has awarded the County of Erie a grant for the period of January 1, 1999 to December 31, 1999 in the amount of \$50,000.00 to fund the Safe Places Program in four suburban communities, which includes the Town of Lancaster, and

WHEREAS, the County of Erie has authorized the County Executive to enter into a contract with the Town of Lancaster for the amount of \$12,500.00;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That Robert H. Giza, Supervisor of the Town of Lancaster is authorized to enter into a contract with the County of Erie in the amount of \$12,500.00 to operate a Safe Places Program through the Town of Lancaster Youth Bureau in cooperation with the Depew-Lancaster Boys and Girls Club, Inc., and
2. That a certified copy of this resolution be forwarded to the Erie County Department of Youth Services, together with a duly executed contract.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 1, 1999

File: rsafeprg.299

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
STEMPNIAK, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No. 7255 to Claim No. 7381 Inclusive

Total amount hereby authorized to be paid: \$ 674,705.23

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 1, 1999

File: Relams

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MARYNIEWSKI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER CONNELLY, TO WIT:

RESOLVED that the following Building Permit Applications be and are hereby approved and the issuance of these Building Permits be and are hereby authorized:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

NEW PERMITS:

Pmt #	SW	Applicant Name	Address	Structure
5613		Ryan Homes	751 Aurora St	Er. Sin. Dwlg
5614		Mark Aquino	3 Sussex Ln	Er. Sin. Dwlg
5615		FTH Enterprises	6363 Transit Rd	Alter Video Store
5616		Ryan Homes (NVR)	753 Aurora St	Er. Sin. Dwlg
5617		Marrano/Marc Equity	9 Butler Dr	Er. Sin. Dwlg
5618		Ervin Blair	6518 Broadway	Er.Temp. Sign
5619		Ferry Bldrs Inc	5 Katelyn Ln	Er. Sin. Dwlg

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 1, 1999

File:Rbldg2

Council Member Connelly requested a suspension of the necessary rule for immediate consideration of the following resolution

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER CONNELLY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, General Municipal Law §209-bb(1) authorizes a town to establish, maintain and supervise a municipal wide or intermunicipal specialized team after public hearing, and

WHEREAS, General Municipal Law-bb(3) provides that a municipality which insures volunteer firefighters and volunteer ambulance workers or municipal employees, as the term "employee" is defined under Public Officers Law §18 may extend such insurance coverage to specialized team members, and

WHEREAS, the Town Board of the Town of Lancaster after due review and consideration deems it in the public interest to formally authorize the establishment of the Town of Lancaster Disaster Response Team and to provide for insurance coverage to the volunteer members of the team pursuant to the authority granted under §209-bb General Municipal Law;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board sets a public hearing on the matter of the establishment of a Disaster Response Team as authorized under §209-bb General Municipal Law, at 9:00 o'clock P.M., Local Time, on March 15, 1999, at the Town Hall, 21 Central Avenue, Lancaster, New York and that a Notice of said hearing shall be published in the Lancaster Bee, the official newspaper, on March 4, 1999 and shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 1, 1999

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING
ESTABLISHMENT
OF
DISASTER RESPONSE TEAM**

LEGAL NOTICE IS HEREBY GIVEN that the Town Board of the Town of Lancaster will hold a Public Hearing at 9:00 o'clock P.M., Local Time on Monday, March 15, 1999, at the Town Hall, 21 Central Avenue, Lancaster, New York on the establishment of a Disaster Response Team for the Town of Lancaster, as authorized under §209-bb General Municipal Law.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: **ROBERT P. THILL**
Town Clerk

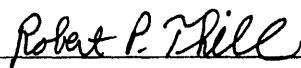
March 1, 1999

COMMUNICATIONS:

117. George E. O'Neil to Town Clerk -
Correction of misinformation re: Walter/Thomas Ferry rezone petition. DISPOSITION = Received and Filed
118. Town of Marilla to Town of Lancaster -
Public Hearing for proposed Local Law #1 and Local Law # 2 March 11, 1999.
DISPOSITION = Received and Filed
119. Town Clerk to Zoning Board Members, Building Inspector and Dep. Town Attorney -
Transmittal of variance petitions for meeting to be held March 11, 1999. DISPOSITION = Received and Filed
120. Robert A. Wollen to Town Clerk and Town Board -
Transmittal of concerns re: Walter/Thomas Ferry rezone petition. DISPOSITION = Received and Filed
121. Assembly Member Sandra Lee Wirth to Supervisor -
Acknowledgment of request for a grant to purchase a new computer system to enhance the enforcement of building inspections and permits in the Town. DISPOSITION = Received and Filed
122. Congressmen Jack Quinn to Supervisor -
Transmittal of actions re: record snowfall. DISPOSITION = Received and Filed
123. N.E.S.T. to Supervisor -
Minutes of N.E.S.T. Meeting February 11, 1999. DISPOSITION = Received and Filed
124. NYSDEC to Pine Hill Materials Corporation -
Advisal that renewal of permit for mining has been issued for South Peppermint Pit site.
DISPOSITION = Received and Filed
125. Erie County Legislature Clerk to Supervisor -
Notice of proposal re: the 8 year review Alden and the Lancaster/ Alden agricultural districts.
DISPOSITION = Planning Committee
126. Assembly Member James P. Hayes to Supervisor -
Transmittal of update re: Williamsville Toll Barrier. DISPOSITION = Received and Filed
127. Buffalo Neighborhood Housing Services to Supervisor -
Notice of Buffalo Affordable Home Show with seminars and trolley tours of Buffalo neighborhoods. DISPOSITION = Received and Filed
128. Susan Rozler to Supervisor -
Observations and suggestions re: traffic safety measures on Bowen between Broadway and William Street. DISPOSITION = Public Safety Committee
129. Susan Rozler to Supervisor -
Requests a traffic study for Bowen Road between Broadway and William. DISPOSITION = Public Safety Committee

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER CONNELLY AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 9:03 P.M.


Robert P. Thill, Town Clerk